

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAG ACQUISITION, LLC,

Plaintiff,

v.

FLYING CROCODILE, INC., d/b/a FCI, INC.,
et al.

Defendants.

Case No. 2:19-cv-01278-BJR

**JOINT STATUS REPORT RESPONDING
TO THE COURT'S DECEMBER 28, 2021
ORDER**

Pursuant to the Court's December 28, 2021 Order (Dkt. No. 285) ("Stay Order"), Plaintiff WAG Acquisition, L.L.C. ("Plaintiff" or "WAG") and Defendants Accretive Technology Group, Inc., ICF Technology Group Inc., and Riser Apps LLC (collectively "Defendants") submit this joint status report advising the status of the requests for reexamination of the patents-in-suit identified in the Stay Order. The undersigned counsel certify as follows:

1. *Ex Parte* Reexamination Control No. 90/014,833 relating to U.S. Patent No. 8,327,011 remains pending. As noted by the Stay Order, the USPTO ordered this reexamination

JOINT STATUS REPORT RESPONDING TO
THE COURT'S DECEMBER 28, 2021 ORDER – 1
(Case No. 2:19-cv-01278-BJR)

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1 on November 16, 2021. Stay Order at 3. Since then, the USPTO issued a non-final office action
2 on March 4, 2022, to which WAG filed a response on June 6, 2022.

3 2. *Ex Parte* Reexamination Control No. 90/014,834 relating to U.S. Patent No.
4 8,122,141 remains pending. As noted by the Stay Order, the USPTO ordered this reexamination
5 on September 21, 2021. Stay Order at 3. Since then, the USPTO issued a non-final office action
6 on March 7, 2022, to which WAG filed a response on June 7, 2022.

7 3. *Ex Parte* Reexamination Control No. 90/014,836 relating to U.S. Patent No.
8 8,364,839 remains pending. As noted by the Stay Order, the USPTO ordered this reexamination
9 on September 30, 2021. Stay Order at 3. Since then, the USPTO issued a non-final office action
10 on January 13, 2022, to which WAG filed a response on March 14, 2022. On April 27, 2022, the
11 USPTO issued a final office action, to which WAG filed a response on June 27, 2022.

12 4. *Ex Parte* Reexamination Control No. 90/014,835 relating to U.S. Patent No.
13 8,185,611 remains denied. As noted by the Stay Order, the USPTO denied this request for *ex parte*
14 reexamination on November 12, 2021. Stay Order at 3. As further noted by the Stay Order, on
15 December 10, 2021, the requesters “filed a petition for review of the examiner’s decision denying
16 *ex parte* reexamination of the ‘611 patent.” *Id.* (footnote omitted). The USPTO has not yet
17 responded to the petition for review.
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DATED: June 28, 2022.

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s/ Eric A. Lindberg

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CERTIFICATE OF SERVICE

I certify that on June 28, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED at Seattle, Washington on June 28, 2022.

s/ Monica Dawson
Monica Dawson